

1 THE HONORABLE DAVID G. ESTUDILLO  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 OSURE BROWN, on his own behalf and  
11 on behalf of other similarly situated  
12 persons,

13 Plaintiff,

14 v.

15 TRANSWORLD SYSTEMS, INC., *et al.*,

16 Defendants.

No. 2:20-cv-00669-DGE  
17 STIPULATION AND ORDER  
18 CONSOLIDATING CASES

19 **STIPULATION REGARDING CONSOLIDATION**

20 All Parties, through their respective counsel, stipulate as follows:

21 WHEREAS, the Parties previously filed a letter stating that they had been conferring  
22 regarding the consolidation of two cases currently pending in this Court before the Honorable  
23 David G. Estudillo: *Osure Brown v. Transworld Systems, Inc.* (No. 2:20-CV-00669) (“O.  
24 *Brown*”) and *Tommy Brown v. Transworld Systems, Inc.* (No. 2:20-CV-00680) (“T. *Brown*”)  
25 after removal by the Defendants from the state court;

26 WHEREAS, the remaining claims in each putative class action case relate to alleged  
actions undertaken to collect on the same ten student loans for the Plaintiff in O. Brown (who is  
the primary borrower) and the Plaintiff in T. Brown (who is the co-borrower);

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1        WHEREAS, the Parties also believe at this stage that consolidation will result in  
2 substantial efficiencies in regard to streamlining the remaining discovery, motions practice, and  
3 the time and cost to the Parties and preservation of Court resources;

4        WHEREAS, pursuant to Federal Rule of Civil Procedure 42 and Local Rule 42, the  
5 Parties have met and conferred and, for the foregoing reasons, agree that the O. Brown and T.  
6 Brown cases should be consolidated for all purposes, class certification, discovery, and trial; and

7        WHEREAS, both cases were filed April 6, 2020, in Washington Superior Court for King  
8 County, and the O. Brown case was the first of the two cases removed to this Court and has the  
9 lower case number;

10      The Parties stipulate to, and request that the Court enter the following  
11 Order:

12                          ORDER OF CONSOLIDATION

13      1. The O. Brown and T. Brown cases are consolidated under the O. Brown case number  
14 No. 2:20-CV-00669, with a caption as follows:

15                          *Osure Brown and Tommy Brown, each on his own behalf and on behalf of other  
16 similarly situated persons, Plaintiffs v. Transworld Systems, Inc., U.S. Bank National  
17 Association, Patenaude & Felix APC, National Collegiate Student Loan Trust 2004-  
18 1, National Collegiate Student Loan Trust 2004-2, National Collegiate Student Loan  
19 Trust 2005-1, National Collegiate Student Loan Trust 2005-2, National Collegiate  
20 Student Loan Trust 2005-3, National Collegiate Student Loan Trust 2006-1, National  
21 Collegiate Student Loan Trust 2006-2, National Collegiate Student Loan Trust 2007-  
22 1, and National Collegiate Student Loan Trust 2007-2, Defendants*

23      2. Plaintiffs will propose to Defendants a consolidated complaint (the “Consolidated  
24 Complaint”) that combines, but does not enlarge or alter, the remaining allegations  
25 and causes of actions set forth in the Second Amended Complaint from the O. Brown

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- 1 case (ECF 139) and the Amended Complaint from the T. Brown case (ECF 104) by  
2 January 12, 2024.
- 3 3. The Parties will meet and confer regarding any objections to the Consolidated  
4 Complaint before January 26, 2024.
- 5 4. The agreed-upon Consolidated Complaint will be filed no later than January 26, 2024.
- 6 5. In the event the Parties cannot reach agreement on the scope of the Consolidated  
7 Complaint, the Plaintiffs shall file a Motion for Leave to File a Consolidated  
8 Complaint, in a form consistent with paragraph 2 of this Stipulation, no later than  
9 January 29, 2024.
- 10 6. Defendants shall answer or move to dismiss the Consolidated Complaint by February  
11 27, 2024, if the Parties agree upon a Consolidated Complaint, or within 21 days of  
12 any order by this Court on the Motion for Leave to File a Consolidated Complaint. If  
13 any Defendant files a motion to dismiss, Plaintiffs' opposition shall be due 30 days  
14 from the date that Defendant(s) filed the motion(s), and Defendant(s)' reply shall be  
15 due 30 days from the date of Plaintiffs' opposition(s). The Noting Date for any  
16 motion to dismiss shall be the first Friday after the date that the Defendants' reply is  
17 due.
- 18 7. The Parties agree that discovery may continue and proceed during the pendency of  
19 any motions to dismiss the Consolidated Complaint that may be filed, subject to the  
20 following deadlines, which are adapted from the scheduling order in the T. Brown  
21 case dated October 23, 2023 (ECF 159). Discovery conducted to date in the T.  
22 Brown case shall be treated as if it were taken in the consolidated case.

<u>EVENT</u>	<u>DATE</u>
Defendants' disclosure of experts relating to class certification and disclosure of available deposition dates	June 30, 2024
Discovery deadline for class certification fact issues	August 12, 2024
Plaintiffs' disclosure of rebuttal experts re: class certification and disclosure of available deposition dates for rebuttal expert	August 12, 2024
Defendants' disclosure of rebuttal experts re: class certification and disclosure of available deposition dates for rebuttal expert	September 2, 2024
Deadline to complete expert depositions	October 2, 2024
Plaintiffs' motion for class certification due	October 14, 2024 or 45 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Any defendant may file a dispositive motion relating to loan ownership related to Plaintiffs due	October 14, 2024 or 45 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Defendants' response to Plaintiffs' motion for class certification due	November 15, 2024 or 90 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Plaintiffs' response to any dispositive motion relating to loan ownership related to Plaintiffs due	November 15, 2024 or 90 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.

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1 Plaintiffs' reply to motion for class certification 2 due	3 December 20, 2024 or 135 days after the 4 Court's order on any motions to dismiss the 5 Consolidated Complaint, whichever is later.
6 Any reply on motion relating to loan ownership 7 related to Plaintiffs due	8 December 20, 2024 or 135 days after the 9 Court's order on any motions to dismiss the 10 Consolidated Complaint, whichever is later.
11 Noting date for motion for class certification 12 and Trusts' motion relating to loan ownership 13 (if filed)	14 December 27, 2024 or the first Friday one 15 week after 135 days from the Court's order on 16 any motions to dismiss the Consolidated 17 Complaint, whichever is later.
18 Oral argument on motion for class certification 19 and Trusts' motion relating to loan ownership, 20 if deemed necessary by the Court	21 To be set by the Court, if needed.
22 Class notice and opt-out period, expert 23 disclosures relating to merits, fact discovery, all 24 other dispositive motions, pre-trial and trial 25 deadlines	26 To be set by the Court after ruling on class certification and loan ownership, if needed.

- 19       8. All deadlines regarding responses to the Second Amended Complaint in O. Brown  
20       and regarding discovery in T. Brown are vacated and replaced by the foregoing  
21       deadlines agreed to by the Parties and approved by the Court for the consolidated  
22       action.
- 23       9. Defendant Patenaude & Felix, APC's Motion to Deny Class Allegations in T. Brown  
24       (ECF Nos. 144, 148) and the response thereto is withdrawn without prejudice.
- 25       10. The extension of the above deadlines does not alter or modify any other rights or  
26       responsibilities of the Parties except as stated herein, permitted by law, or under the

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1           Federal Rules of Civil Procedure, or the Local Civil Rules. Any party may file  
2           whatever motions they believe are just and appropriate in accordance to the same  
3           authorities.

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5           IT IS SO ORDERED.

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7           DATED this 17th day of January 2024.

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11           David G. Estudillo  
12           United States District Judge

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15 Trust 2005-2, National Collegiate Student  
16 Loan Trust 2005-3, National Collegiate  
17 Student Loan Trust 2006-1, National  
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20 1, National Collegiate Student Loan Trust  
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